

Application Serial No. 10/538,426
Reply to Office Action of December 30, 2008

PATENT
Docket: CU-4247

REMARKS

In the Office Action, dated December 30, 2008, the Examiner states that Claims 1 and 3-18 are pending and rejected. By the present Amendment, Applicant amends the claims.

Claim Objections

Claim 15 is objected to because the Office Action considers that it does not further limit Claim 1. Claim 15 has been amended to depend from independent Claim 3 as opposed to independent Claim 1. Accordingly, Applicant respectfully requests withdrawal of the objection to Claim 15.

Rejections under 35 U.S.C. §103(a)

Claims 1, 4-8, 10-13 and 15-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Carrick in view of Chambard. Claims 1, 3, 5-11 and 13-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Carrick in view of Tamoto. Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Carrick in view of Katafuchi. Applicant respectfully disagrees with and traverses these rejections.

Independent Claims 1 and 3 are currently amended to recite that the additives recited therein consist of a base oil with (A) a salicylate detergent and (B) a metal detergent other than any salicylate detergent. The components (A) and (B) are further defined in the aforementioned claims.

In contrast to independent Claims 1 and 3, which include only the recited features, Carrick et al. teaches an additive that includes "at least" one sulphonate, saligenin and salixarate detergent (see the Abstract). Accordingly, while the additive of Claims 1 and 3 consists of components (A) and (B), the additive in Carrick includes at least three components. Applicant respectfully asserts that it would not be obvious to one of ordinary skill in the art to remove any of the aforementioned components of Carrick because the reference teaches that the additive includes at least these components. Moreover, Applicant respectfully asserts that the intended function of Carrick would be destroyed by removing one of these components since the additive is described as including at least the three stated components. Finally, since Carrick explains that its additive includes at least three components, this reference essentially teaches away from the present invention, which recites an additive that consists of only two components.

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With respect to the remaining cited prior art, Katafuchi teaches a composition including a lube oil base and one or more metallic detergent-dispersants selected from a perbasic alkaline earth metal sulfonate, phenolate, and salicylate, Chambard teaches a composition including an oil, an aromatic carboxylate and an antiwear additive, and Tamoto teaches a composition which includes, as essential components, a base oil, a boron compound derivative of alkenylsuccinimide, an alkaline earth metal salt and either or both of a molybdenum dithiophosphate and molybdenum dithiocarbamate. For the same reasons as stated in the previous paragraph, Applicant respectfully asserts that the additive as claimed in currently amended Claims 1 and 3 is not obvious in view of Carrick combined with any of Katafuchi, Chambard or Tamoto.

Since independent Claims 1 and 3 are allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

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Date

Respectfully submitted,



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